

REMARKS

Claims 1 to 23 are pending in the application.

Drawings

The objection to the drawings has been addressed in the prior amendment after final (dated 7/13/2004).

Claim Rejection under 35 USC 112

The rejection of claims 6 and 7 has been addressed in the prior amendment after final (dated 7/13/2004).

Rejection under 35 U.S.C. 103

Claims 1-2 and 4-8 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over *Theien* in view of *Englert*. Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Theien* in view of *Englert* and *Mann*.

In regard to the patentability of claims 1, 2, 5, and 8, reference is being had to the detailed discussion provided in the prior amendment after final. The examiner has not responded to the arguments presented by applicant; it is respectfully requested that examiner take into consideration the detailed arguments and advise applicant as to examiner's views on the arguments presented.

New independent claims 9, 16, and 23 have been added. The dependent claims 10-15 and 17-22 correspond to the original claims 2-4 and 6-8.

Claim 9 defines a method of jointing a cutting edge of at least one cutting blade of a rotating tool by a radial advancing movement between the tool and at least one straight jointing stone having an active jointing area. The method is carried out in that, during jointing, at least one relative stroke between the jointing stone and the cutting edge is performed in a longitudinal direction of the cutting edge; the at least one relative stroke has a stroke length that is shorter than a length of the cutting edge and shorter than a length of the active jointing area.

The method according to claim 16 defines that the at least one relative stroke has a stroke length that is shorter than a length of the active jointing area.

The method claim 23 defines that an oscillating movement of the at least one jointing stone in an axial direction of the rotating tool is carried out without advancing in the radial direction (disclosed in the specification on page 10, lines 10-11; see also page

11, line 12-14), wherein a relative stroke between the at least one jointing stone and the at least two cutting edges, respectively, has a stroke length that is shorter than a length of the cutting edge and **shorter than a length of the active jointing area**.

Theien in Figs. 5 and 6 illustrates a straight jointing stone 140 for jointing straight cutting edges of cutting elements C (Fig. 6). The jointing stone 140 is longer than the cutting edge. During the jointing process, the jointing device is fed **radially** relative to the axis of the spindle VR. The jointing stone 140, once it has been advanced to the cutter edge does not carry out an **axial movement** relative to the edge. The jointing stone 140 with the holder 41, 100 can be moved only radially by means of the knob 46; this is described in col. 12, lines 33ff. No other movement is possible or even contemplated. The only disclosure to be derived from this reference is that the jointing stone is to be advanced radially for the jointing process. Since the jointing stone is longer than the cutting edge, there is no need to carry out an axial movement along the cutting edge because the jointing stone covers the entire length of the cutting edge.

Englert discloses that the jointing stones 13 are moved across the length of the cutting edge but the jointing stroke that is being carried out must be very large in order to cover the entire length of the cutting edge. Fig. 1 shows three jointing stones 13 spaced apart from one another on a support 12. The distance between the jointing stones 13 is several times larger than the length of the jointing stones. The support 12 can be moved back and forth by a drive 23 on the transverse stay 10. The drive 23 comprised of cylinder 24 fastened to the base member 1 and piston rod 25 connected to the projection 26 can move the support 12 (Fig. 1 shows the piston rod 25 in the retracted position and support 12 in the rightmost end position) to the left. In the left end position, the jointing stone 13 at the left end of the support 12 will have moved to be aligned with the outer edge of the leg 5 of the stay 10. The relative stroke performed by the left jointing stone 13 would therefore be approximately one third of the length of the stay 10. This stroke length is several times the length of the active jointing area of the jointing stone 13.

The two cited prior art references therefore describe two methods that differ greatly from one another in regard to their basic approach: *Theien* teaches only radial advancement of the jointing stone; *Englert* teaches a stroke that is several times as long as the axial width (active jointing area) of the jointing stone.

Therefore, the feature of claims 9, 16, and 23, i.e., the relative stroke is shorter than the length of the active jointing area, is not obvious in view of cited prior art references.

Claim 23 also includes the feature that the jointing stone is oscillated in the axial direction without advancing in the radial direction in conjunction with a relative stroke that is shorter than the active jointing area of the jointing stone. This is not disclosed by *Theien* since no movement in the axial direction is disclosed. This is also not disclosed by *Englert* because, as is common in the field of jointing (see page 3, lines 8-15, of the instant specification), advancing strokes are performed in the radial direction for each jointing process.

CONCLUSION

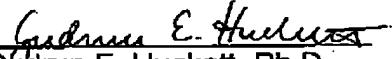
In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

The amendment presents a total of four independent claims and 23 total claims. The extra claim fees for one independent claim in excess of three (\$88.00) and three dependent claims in excess of 20 ($3 \times \$18.00 = \54.00) is to be charged to Patent and Trademark Office deposit account 50-1199.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on October 13, 2004.


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GEH/Encl.: time extension petition (1 sheet)

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